TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1921.

No. 428.

WILLIAM H. BRYAN, APPELLANT,

vs.

JOSHUA W. MILES, COLLECTOR OF INTERNAL REVENUE OF THE UNITED STATES FOR THE DISTRICT OF MARYLAND, AND RICHARD S. DODSON, FEDERAL PROHIBITION DIRECTOR FOR THE STATE OF MARYLAND.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF MARYLAND.

FILED JULY 18, 1921.

(28,263)

(28,383)

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JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C., JULY 27, 1921.

1 TRANSCRIPT OF RECORD.

UNITED STATES OF AMERICA,
District of Maryland, To wit:

At a District Court of the United States for the District of Maryland Begun and Held in the City of Baltimore on the First Tuesday in June (Being the 7th Day of the Same Month), in the Year of Our Lord One Thousand Nine Hundred and Twenty.

Present:

The Honorable John C. Rose, Judge Maryland District
Robert R. Carman, Esq., Attorney.
William W. Stockhan, Esq., Marshal.
Arthur L. Spamer, Clerk.

Among other were the following proceedings, to wit:

No. 233. Equity.

WILLIAM H. BRYAN
vs.
JOSHUA W. MILES, Collector of Internal Revenue of the United States for the District of Maryland, and Richard S. Dodson, Federal Prohibition Director for the State of Maryland.

2 *Amended Bill of Complaint.*

Filed 24th June, 1921.

In the District Court of the United States for the District of Maryland.

WILLIAM H. BRYAN, Complainant,
vs.
JOSHUA W. MILES, Collector of Internal Revenue of the United States for the District of Maryland, and Richard S. Dodson, Federal Prohibition Director for the State of Maryland, Defendants.

(Amended Bill in Equity.)

To the Honorable John C. Rose, Judge of the United States District Court for the District of Maryland:

William H. Bryan, a citizen and resident of Baltimore County and State of Maryland, brings this amended Bill of Complaint against Joshua W. Miles, a citizen of the State of Maryland and a

resident of Somerset County, in the said State, and Collector of Internal Revenue of the United States for the District of Maryland, and Richard S. Dodson, a citizen of Maryland and a resident of Talbot County, in the said State, and Federal Prohibition Director for the State of Maryland, respectfully shows unto this Honorable Court.

1. That the defendant, Joshua W. Miles, as such Collector of the Revenue, is charged by law with the duty of collecting and receiving taxes due the United States on distilled spirits in Government bonded warehouses in the said district, and upon the payment of the taxes due on the said distilled spirits by the owners thereof to issue internal revenue stamps showing the payment of the taxes due the United States on the said spirits, and upon permits duly issued by the defendant, Richard S. Dodson, to release said spirits to the owners thereof; that the Government bonded warehouses in the said
3 district, and the said distilled spirits on deposit therein, and the keys to the said warehouses and the right to ingress and egress from and to the same, are now in the custody and control of the defendant, Joshua W. Miles;

2. That Richard S. Dodson, the Federal Prohibition Director of Maryland, was appointed to that office by the Commissioner of Internal Revenue of the United States, and that he qualified as such and is now acting agent or assistant of the said Commissioner of Internal Revenue of the United States; and that under the Act of Congress of the United States of October 28th, 1919, entitled the "National Prohibition Act", the defendant, Richard S. Dodson, is charged with the duty of issuing permits for the delivery, transportation and possession of distilled spirits to persons authorized by said Act to accept delivery of, transportation and possession of said spirits, and upon the issuance of said permits by the said defendant, Dodson, to the owners of spirits on deposit in said Government bonded warehouses and presentation of the same to the said defendant, Miles, on the payment to the United States of the taxes due thereon, it is the duty of the said Dodson to release said spirits and deliver the same to said permittee;

3. That the complainant, William H. Bryan, is the owner of one barrel of distilled spirits, commercially known as "Pikesville Pure Rye Whiskey", hereinafter described, and became the owner thereof and has owned the same ever since the 2nd day of October 1919; that the said spirits are now on deposit in Government bonded warehouse known as Distillery Bonded Warehouse "E" (of the United States) of Registered Distillery No. 25, located at Pikesville, in Baltimore County, in the State of Maryland, and in the United States Internal Revenue District for the State of Maryland; that the said spirits are contained in a wooden barrel numbered 43892, containing approximately Forty (40) taxable gallons, produced by
4 the Pikesville Distillery Company at Registered Distillery No. 25, situated in Baltimore County, in the State of Maryland, in the United States Internal Revenue District for the State of Maryland; that there is now due the United States as tax on the aforesaid spirits of the complainant the sum of $256.00;

4. That the complainant has heretofore on the 8th day of April, 1921, presented to the defendant, Richard S. Dodson, Federal Prohibition Director for the State of Maryland, a verified written application, setting forth the qualification of the applicant, and that he desires to obtain delivery and to transport said spirits to his private dwelling situated in Baltimore County, in the State of Maryland, which is occupied by him as his dwelling only, for the personal consumption of himself and his family residing in such dwelling and for his bona fide guests when entertained by him therein; all of which appear in an examination of the said verified application heretofore filed and marked "Complainant's Exhibit No. 1"; that said defendant, Dodson, wrongfully and without authority of law, refused to grant the complainant the permit applied for as aforesaid, all of which will appear by an examination of the written refusal of the said defendant, Dodson, filed heretofore and marked "Complainant's Exhibit No. 2";

5. That the complainant has tendered to the defendant, Joshua W. Miles, Collector of Internal Revenue for the District of Maryland, the full amount of the tax due the United States on the said spirits as aforesaid, and has demanded of the said defendant that he issue to the complainant United States Internal Revenue stamps showing the payment of the aforesaid tax on the said spirits and that he release said spirits, all of which will appear more fully by an examination of the written tender of the said tax and demand made upon the said Miles, filed heretofore and marked "Complainant's Exhibit No. 3"; that the said defendant, Miles, refused, and still refuses, to accept the said tender and issue Internal Revenue Stamps therefor, or to release the said spirits, as shown by his written refusal endorsed on said Exhibit No. 3;

6 That the complainant desires to obtain possession of the said spirits as his private property and to transport the same to his private dwelling, situated on the south side of the Court Road near Green Spring Avenue, in Baltimore County, Maryland, which said dwelling is occupied and used by the complainant as his dwelling only, and to keep the same in the said dwelling for the personal use of himself, the members of his family, and his bona fide guests when entertained therein; that he does not desire the possession of the said spirits for the purpose of barter or sale, or disposing of the same in violation of any law of the United States;

7. That in refusing to grant the permit for the delivery of said spirits and to accept the tender of taxes thereon and to issue Internal Revenue stamps therefor, as aforesaid, the defendants have claimed to act under the terms and authority of an Act of Congress passed on or about October 28, 1919, commonly known as the Volstead Act. But your complainant is advised and accordingly avers that the said Volstead Act contains no provisions which required or authorized the defendants to refuse said permit or to decline to receive payment of said taxes, as aforesaid, for the reason, among others, that said spirits were purchased by the complainant, as aforesaid, prior to the effective date of the said Volstead Act, and that he purchased said

spirits, as aforesaid, solely for delivery to his dwelling and solely for the personal use of himself, his family and his bona fide guests while being entertained therein, as herein before set forth. And this complainant further avers that the removal of the said distilled spirits from the said United States Bonded Warehouse to his residence for the purpose above specified, on the payment of
6 the tax thereon, is not forbidden by the Eighteenth Amendment of the said Volstead Act. And this complainant is further advised and therefore alleges that if said Volstead Act is susceptible of a construction authorizing or justifying the action of the defendants in refusing to permit the removal of said spirits to his residence for the purpose above specified on payment of the tax thereon, so much of said statute is unconstitutional, void and of no effect, for the reason that it transcends the power of Congress under the Eighteenth Amendment to the Constitution of the United States, deprives the plaintiff of his property without due process of law and without just compensation, and denies him the equal protection of the laws, contrary to the Fifth Amendment to the Constitution of the United States.

Wherefore the complainant prays:

(1) That this Honorable Court issue its writ of injunction directed to the defendant, Richard S. Dodson, Federal Prohibition Director for the State of Maryland, directing him to grant and issue to the complainant the permit applied for by him as aforesaid, and enjoining him from preventing or interfering with the removal by the complainant of the distilled spirits aforesaid from said bonded warehouse to his, the complainant's, private dwelling for lawful use and consumption as hereinbefore set forth.

(2) That this Honorable Court issue its writ of injunction directed to the defendant, Joshua W. Miles, Collector of Internal Revenue for the District of Maryland, restraining and strictly enjoining him, upon payment or due rendered by the complainant of all taxes lawfully due to the United States on or in respect of the distilled spirits hereinbefore mentioned, from longer refusing to issue revenue stamps showing payment of such taxes on said spirits, or from refusing to release said spirits to the complainant as aforesaid; and from longer denying the complainant access to said
7 spirits in said bonded warehouse, or preventing him from taking and having possession of said spirits therein for the purpose — removing them to his, the complainant's private dwelling for lawful use and consumption as hereinbefore set forth, and from preventing or interfering with the removal by the complainant of said spirits from said warehouse for the purpose aforesaid, and from longer detaining and withholding from the complainant the lawful possession of his spirits as aforesaid; and also directing and requiring said defendant, on payment or due tender of taxes as aforesaid, to deliver said distilled spirits to the complainant and to permit him to take possession of and remove the same from said bonded warehouse to the complainant's said dwelling for lawful consumption as hereinbefore set forth.

(3) That the complainant may have such other and further relief as his case may require.

May it please your Honor to grant unto this complainant a Writ of Subpoena directed to the defendant, Joshua W. Miles, Collector of Internal Revenue for the District of Maryland, and the defendant, Richard S. Dodson, Federal Prohibition Director for the State of Maryland, commanding them and each of them to be and appear, either in person or by solicitor, in this Honorable Court on or before a certain day therein to be named, and to answer this Bill of Complaint and to show cause, if any they have, why a decree ought not to be passed as prayed.

And as in duty bound, etc.

JULIAN S. JONES,
J. WALLACE BRYAN,
JAMES T. O'NEILL,
ELLIOTT W. MAJOR,
Attorneys for Complainant.

WILLIAM H. BRYAN,
Complainant.

STATE OF MARYLAND,
City of Baltimore, To wit:

I hereby certify, that on the 23rd day of June, Nineteen Hundred and Twenty-one, before the subscriber, a Notary Public of the State of Maryland, in and for the City aforesaid, personally appeared William H. Bryan and made oath in due form of law that the matters and facts stated in the foregoing Bill of Complaint are true to the best of his knowledge and belief.

Witness my hand and Notarial seal.

[NOTARY'S SEAL.] HOWARD D. ADAMS,
Notary Public.

Leave to file the above amended Bill of Complaint granted this 24th day of June, 1921.

JOHN C. ROSE,
United States District Judge.

9 EXHIBIT No. 1.

Filed 20th April, 1921.

Application for Permit to Remove and Transport Beverage Liquor.

Baltimore, Md., April 8th, 1921.

To R. S. Dodson,
Federal Prohibition Director
At Baltimore, State of Maryland:

The undersigned hereby makes application for a permit to remove the liquor described below and now stored in premises known as Distillery Bonded Warehouse "E" of Registered Distillery No. 25 at Pikesville, Baltimore County, Maryland, the said premises being used as a United States Bonded Warehouse for the purpose of storing liquor and now being in the custody and control of Joshua W. Miles, Collector of Internal Revenue of the United States for the District of Maryland; and the undersigned further makes application for permit to transport from the said Distillery Bonded Warehouse "E" the said liquor described below to the residence of the undersigned, situated on the south side of Court Road near Green Spring Avenue, in Baltimore County, Maryland, known as "Litterlouna" which said premises are used by the undersigned as his private residence and home and is now occupied by the undersigned, such transportation to be completed on or before the 15th day of April, 1921.

Description of Liquor.

Kind of liquor. (1)	No. and kind of packages. (2)	Serial Nos. of packages, if any. (3)	Quantity in wine gallons. (4)	Date when, how, and from whom procured. (5)
Distilled spirits, commercially known as "Pikesville Pure Rye Wiskey."	Contained in wooden barrel.	No. 3892.....	Approx. 39½.....	Purchased by the undersigned, W. H. Bryan, on Oct. 2, 1919, from M. C. Winand, Warehouse Certificate No. 1261, representing and transferring the title to and ownership of the said distilled spirits.

10 The undersigned swears that the above statements a
true, and that he purchased the said warehouse certifica
No. 1261, representing the title to and the ownership of above d
scribed liquor for his own personal use, the said liquors to be use
only by himself and his family at his own residence, and for h
bona fide guests when entertained by him therein; and he furth
swears that he does not desire the possession of the said spirits f
the purpose of barter or sale, or for the purpose of disposing of th
same in violation of any law of the United States, and that he is th
sole owner of the liquors described above, and that they were legall
acquired and may be legally used for beverage purposes in h
dwelling, and that before removing and transporting the same h
intends to fully comply with all the laws of the United States an
pay to the Collector of Internal Revenue the full beverage ta
thereon.

WM. H. BRYAN.

STATE OF MARYLAND,
City of Baltimore, To wit:

I hereby certify that on this 8th day of April, 1921, before th
subscriber, a Notary Public of the State of Maryland, in and for th
City aforesaid, personally appeared W. H. Bryan and made oath i
due form of law that the matters and facts stated in the above appli
cation are true to the best of his knowledge and belief.

Witness my hand and Notarial Seal.

[SEAL.] HOWARD D. ADAMS,
Notary Public.

11 EXHIBIT No. 2.

(*Refusal of Permit.*)

Filed 20th April, 1921.

Treasury Department,
Internal Revenue Service,
Baltimore, Md. R. S. D. s.

Office of
Federal Prohibition Director,
State of Maryland & Dist. of Columbia.

Mr. William H. Bryan, April 8, 1921.
Court Road near Green Spring avenue,
Pikesville, Baltimore County,
Maryland.

DEAR SIR:

Your application for permit to remove and transport beverage
liquor from distillery bonded warehouse "E" of Registered Distillery

No. 25 at Pikesville, Baltimore County, Maryland, upon a form specially prepared by your Attorney, to your home at the above-stated address for beverage purposes, has been received. In answer thereto, I desire to inform you that upon instructions which I have received from the Department at Washington, a permit cannot be granted for the withdrawal and transportation of liquor held in a bonded warehouse to the home of the owner for personal use.

It is the opinion of the Department that the recent decision rendered by the Supreme Court in the case of William C. Street vs. the Lincoln Safe Deposit Company and Daniel L. Porter extends only to liquor that was in such condition with respect to tax liability and other governmental obligations at the beginning of the 17th day of January, 1920, that it might legally have been in the home of the owner without change of such condition. Liquor held on January 17, 1920, in bond without tax payment was not in such condition and, therefore, may not now be removed to the homes of the owners for beverage purposes.

Yours truly,

RICHARD S. DODSON,
Federal Prohibition Director.

12 EXHIBIT No. 3.

Filed 20th April, 1921.

Tender of Tax.

Baltimore, Md., April 8th, 1921.

To Joshua W. Miles,
Collector of Internal Revenue
for the District of Maryland,
Baltimore, Md.

DEAR SIR:

I, W. H. Bryan, the undersigned, hereby tender to you the sum of Two Hundred Fifty Six Dollars ($256.00) for the purpose of paying the United States tax on one barrel of distilled spirits, the said barrel containing approximately 40 proof gallons, commercially known as "Pikesville Pure Rye Whiskey," being Serial No. 43892, and stored in Distillery Bonded Warehouse "E" of Registered Distillery No. 25 at Pikesville, Baltimore County, Maryland, the said premises being used as a United States Bonded Warehouse for the purpose of storing liquor and now being in your custody and control as the Collector of Internal Revenue of the United States for the District of Maryland. The said distilled spirits were purchased by me on October 2nd, 1919, from M. C. Winand, for my own personal use and to be used by me and my family at my residence, and by my bona fide guests when entertained by me therein; and I do not desire possession of the said spirits for the purpose of barter or sale or for the purpose of disposing of the same in violation of any law of the United States; and I am sole owner of the said liquors above

described, and they were legally acquired by me and will be legally used for beverage in my own dwelling.

I now desire to pay the tax on the same *on the same* and hereby hand you $256.00, being the approximate tax at the beverage rate of $6.40 per gallon, and I hereby request you to issue to me United States Revenue stamps showing the payment of the aforesaid tax on said spirits, and desire to have you order the said spirits to be gauged and released from the said Distillery Bonded Warehouse "E" of Registered Distillery No. 25 at Pikesville, and upon the re-
13 lease of the same I intend to transport the same to my residence, situated on the south side of Court Road near Green Spring Avenue, in Baltimore County, Maryland; and I hereby exhibit to you the original certificate of the Pikesville Distilling Company, showing the Serial number of the said barrel of distilled spirits to be 43892.

Respectfully yours,

WM. H. BRYAN.

STATE OF MARYLAND,
City of Baltimore, To wit:

I hereby certify that on this 8th day of April, 1921, before the subscriber, a Notary Public of the State of Maryland, in and for the City aforesaid, personally appeared W. H. Bryan and made oath in due form of law that the matters and facts stated in the above application are true to the best of his knowledge and belief.

Witness my hand and Notarial Seal.

[SEAL.] HOWARD D. ADAMS,
Notary Public.

April 9, 1921. L. M. M.

This application for withdrawal is hereby refused as this office is prohibited from issuing taxpaid stamps for withdrawal of spirits from bond unless the application therefor is accompanied by permit from the Prohibition Director on Form 1410.

JOSHUA W. MILES,
Collector.

14 *Motion to Dismiss Amended Bill of Complaint.*

Filed 24th June, 1921.

In the District Court of the United States for the District of Maryland.

WILLIAM H. BRYAN, Complainant,

vs.

JOSHUA W. MILES, Collector of Internal Revenue of the United States for the District of Maryland, and Richard S. Dodson, Federal Prohibition Director for the State of Maryland, Defendants.

Motion to Dismiss Amended Bill.

Now come the defendants in the above entitled action, and with leave of court, pray to dismiss the complainant's amended bill herein for the following reasons, to wit:

First. That the suit is in effect one against the United States and the amended Bill does not aver nor does it show that the United States has consented to be sued herein;

Second. That the facts alleged in the bill are insufficient to constitute a valid cause of action in equity;

Third. That the court has no jurisdiction to grant the relief prayed for or any part thereof;

Fourth. That the bill does not disclose a cause of action equitable in its nature, or civil in its character and arising under the Constitution of the United States;

Fifth. That it appears from the face of the bill that the defendants lawfully refused to receive the tax and issue the permit as requested of them by the complainant;

Sixth. That it appears from the face of the bill that the refusal of the defendants to accept the tax and to issue the permit requested of them by the complainant does not deny the complainant any of his rights secured to him under the constitution and laws of the United States;

15 Wherefore, the defendant says that he should not be held to answer the amended bill or the several allegations thereof and that the said amended bill should be dismissed.

ROBT. R. CARMAN,
United States Attorney.

16 *Order of Court Dismissing Bill of Complaint.*

Filed 24th June, 1921.

In the District Court of the United States for the District of Maryland.

WILLIAM H. BRYAN

vs.

JOSHUA W. MILES, etc.

The motion in this case to dismiss the Bill of Complaint coming on for hearing, and argument of counsel being heard and considered, it is this 24th day of June, 1921,

Ordered, Adjudged and Decreed by the United States District Court for the District of Maryland, that the Bill of complaint be and the same is hereby dismissed.

JOHN C. ROSE,
District Judge.

17 *Petition for Appeal and Order of Court Allowing Same.*

Filed 8th July, 1921.

In the District Court of the United States for the District of Maryland.

WILLIAM H. BRYAN, Complainant,

vs.

JOSHUA W. MILES, Collector of Internal Revenue of the United States for the District of Maryland, and Richard S. Dodson, Federal Prohibition Director for the State of Maryland, Defendants.

(Petition for Appeal.)

To the Honorable John C. Rose, Judge of the United States District Court for the District of Maryland:

The above named complainant, William H. Bryan, believing himself aggrieved by the decree made and entered in this cause on the 24th day of June, 1921, dismissing the complainant's amendment bill of complaint, does hereby appeal from said decree to the Supreme Court of the United States for the reasons set forth in the assignment of errors which is filed herewith, and the complainant prays that his appeal may be allowed, and that citation issue as provided by law, and that a transcript of the record, upon which said decree was based, duly authenticated, may be sent to the United States Supreme Court.

JULIAN S. JONES,
J. WALLACE BRYAN,
JAMES T. O'NEILL,
ELLIOTT W. MAJOR,
Solicitors for Complainant.

18 Ordered by the District Court of the United States for the District of Maryland this 8 day of July, 1921, that the Appeal prayed for be allowed, and that the penalty of the Appeal Bond be, and the same is hereby fixed, at the sum of $300.

JOHN C. ROSE,
U. S. District Judge.

19 *Assignment of Errors.*

Filed 8th July, 1921.

In the District Court of the United States for the District of Maryland.

WILLIAM H. BRYAN, Complainant,

vs.

JOSHUA W. MILES, Collector of Internal Revenue of the United States for the District of Maryland, and Richard S. Dodson, Federal Prohibition Director for the State of Maryland, Defendants.

(Assignment of Errors.)

To the Honorable John C. Rose, Judge of the United States District Court for the District of Maryland:

Now comes the complainant in the above entitled cause and respectfully complains that the decree entered in said cause on the 24th day of June, 1921, is erroneous and prejudicial to the complainant in the following particulars:

1. The Court erred in sustaining the defendants' motion to dismiss said amended bill and in entering a decree in dismissing said bill.

2. Said decree deprives the complainant of the protection of the Fifth Amendment to the Constitution of the United States, in that it sanctions the taking of the complainant's private property without due process of law, and the taking of the complainant's private property for a public use without any compensation.

3. Said decree is neither supported nor sustained by the Eighteenth Amendment to the Constitution of the United Statees.

4. The Court erred in holding that the National Prohibition Act forbids the removal by the complainant of the spirits men-
20 tioned in the amended bill of complaint from the bonded warehouse to his residence for the lawful consumption of himself, his family and his bona fide guests.

5. The Court erred in holding that it is not the duty of the defendant, Joshua W. Miles, as Collector of International Revenue, to issue stamps on payment of the federal taxes on said distilled spirits, and to issue a permit for the removal thereof by the com-

plainant from the bonded warehouse to his bona fide residence for the purposes specified in the amended bill of complaint.

6. The Court erred in holding that it was not the duty of the defendant, Joshua W. Miles, as Collector of Internal Revenue, to release unto the complainant the possession of the distilled spirits mentioned in the amended bill of complaint and now in the bonded warehouse as therein stated.

7 The Court erred in holding that it was not the duty of the defendant, Richard S. Dodson, as Federal Prohibition Director for the State of Maryland, to issue to the complainant a permit for the removal by him of the distilled spirits mentioned in the amended bill of complaint from the bonded warehouse to the complainant's bona fide residence for the purposes specified in said amended bill.

8. Under the allegations of the complainant's amended bill he is entitled to a decree against the defendants compelling and directing the defendants to release to the complainant the spirits described in said amended bill.

Wherefore, the complainant prays that said decree be reversed; that the Supreme Court cause the proper decree to be entered directing the defendants to release to the complainant, without the requirement of a permit, the spirits described in the complainant's amended bill, and for such other and further relief as the complainant may be entitled to receive.

JULIAN S. JONES,
J. WALLACE BRYAN,
JAMES T. O'NEILL,
ELLIOTT W. MAJOR,
Solicitors for Complainant.

21 *Appeal Bond.*

Filed 15th July, 1921.

New Amsterdam Casualty Company,

227 St. Paul Street, Baltimore, Md.;

60 John Street, New York.

Know all men by these presents, that we, William H. Bryan, as Principal, and the New Amsterdam Casualty Company, as surety, are held and firmly bound unto Joshua W. Miles, collector of Internal Revenue of the United States for the District of Maryland, and Richard S. Dodson, Federal Prohibition Director for the State of Maryland, in the full and just sum of Three Hundred ($300.00) Dollars to be paid to the said Joshua W. Miles, Collector of Internal Revenue of the United States for the District of Maryland, and Richard S. Dodson, Federal Prohibition Director for the State of Maryland, his successors or assigns; to which payment well and truly to be made, said principal binds himself, we bind ourselves, his

heirs, executors, and administrators and said Surety binds itself, its successors or assigns, jointly and severally by these presents.

Sealed with our seals, and dated this 9th day of July in the year of our Lord one thousand nine hundred and twenty-one.

Whereas, lately at the June Term 1921, of the District Court of the United States for the District of Maryland, in a suit pending in said Court between William H. Bryan, complainant and Joshua W. Miles, Collector of Internal Revenue of the United States for the District of Maryland, and Richard S. Dodson, Federal Prohibition Director for the State of Maryland, defendants, a decree was rendered against the said complainant and the said complainant having obtained an appeal to reverse the decree in the aforesaid suit, and a citation directed to the said defendants citing and admonish-
22 ing them to be and appear in the Supreme Court of the United States, at the City of Washington, thirty days from and after the date of said Citation.

Now the condition of the above obligation is such, that if the said complainant (appellant) shall prosecute said appeal to effect, and answer all damages and costs if he fail to make good his said plea, then the above obligation to be void, else to remain in full force and virtue.

WILLIAM H. BRYAN. [SEAL.]
NEW AMSTERDAM CASUALITY COMPANY.
By GARNER W. DENMEAD,
Vice President.

Attest:

[Seal of New Amsterdam Casualty Co.]

G. LEE BURGESS,
Asst. Secretary.

Sealed and delivered in presence of

Witness:
JULIAN S. JONES.

Approved July 15, 1921.
JOHN C. ROSE,
U. S. District Judge.

23 UNITED STATES OF AMERICA, *ss:*

To Joshua W. Miles, Collector of Internal Revenue of the United States for the District of Maryland, and Richard S. Dodson, Federal Prohibition Director for the State of Maryland, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, at Washington, within thirty days from the date hereof, pursuant to an appeal from a decree of the District Court of the United States for the District of Maryland in your favor passed in a cause in said court wherein William H. Bryan is Complainant and Appellant and you are Defendants and Appellees, to show cause, if any there be, why the decree rendered

against the said Complainant and Appellant as in the said cause mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the Honorable John C. Rose, Judge of the District Court of the United States for the District of Maryland, this fifteenth day of July, in the year of our Lord one thousand nine hundred and twenty one.

JOHN C. ROSE,
U. S. District Judge.

[Endorsed:] No. 233, Equity. William H. Bryan vs. Joshua W. Miles, etc. Citation. Retble. 13 Aug. 1921.

Service of the within citation acknowledged this 20th day of July, 1921.

ROBT. R. CARMAN,
Attorney for Defendants, United States Attorney.

24 *Stipulation of Counsel as to Making up Record on Appeal.*

Filed 20th July, 1921.

No. 233. Equity.

WILLIAM H. BRYAN, Complainant,

vs.

JOSHUA W. MILES, Collector of Internal Revenue of the United States for the District of Maryland, and Richard S. Dodson, Federal Prohibition Director for the State of Maryland, Defendants.

It is stipulated and agreed by and between counsel for the respective parties in the above entitled case that the transcript of record on Complainant's appeal to the Supreme Court of the United States shall consist of the following, viz:

1. Amended Bill of Complaint.
2. Application for permit etc., "Exhibit No. 1".
3. Refusal of Permit, "Exhibit No. 2".
4. Tender of Beverage Tax, "Exhibit No. 3".
5. Motion to Dismiss Bill.
6. Order of Court dismissing Bill of Complaint.
7. Petition for and Order allowing Appeal.
8. Assignment of Errors.
9. Appeal Bond.
10. Citation.
11. Stipulation of Counsel as to making up record on appeal.
12. Memorandum of the Clerk.
13. Order to transmit Record.
14. Clerk's Certificate.

JULIAN S. JONES,
Solicitor for Complainant.
ROBERT R. CARMAN,
Solicitor for Defendants.

25 *Memorandum of the Clerk.*

1. Petition for Appeal, filed 8th July, 1921.
2. Appeal granted 8th July, 1921.
3. Appeal Bond, Dated 9th July, 1921.
   Penalty: $300.00
   Obligor: New Amsterdam Casualty Company.
   Conditioned for costs.
4. Citation. Dated 15th July, 1921.

(Acknowledgment of service, dated 20th July, 1921.)

Order to Transmit Record.

And, thereupon, it is ordered by the Court here, that a transcript of the record and proceedings of the cause aforesaid, together with all things thereunto relating, be transmitted to the Supreme Court of the United States, and the same is transmitted accordingly.

Teste:

ARTHUR L. SPAMER,
Clerk.

26 *Clerk's Certificate.*

UNITED STATES OF AMERICA,
District of Maryland, To wit:

I, Arthur L. Spamer, Clerk of the District Court of the United States for the District of Maryland, do hereby certify that the aforegoing is a true transcript of the record and proceedings of the said District Court, together with all things thereunto relating in the therein entitled cause, made up in accordance with stipulation of counsel for the respective parties filed in said cause.

In testimony whereof, I hereunto set my hand and affix the seal of said District Court, this 21st day of July, 1921.

[Seal of United States District Court, Maryland.]

ARTHUR L. SPAMER,
Clerk.

Endorsed on cover: File No. 28,383. Maryland D. C. U. S. Term No. 428. William H. Bryan, appellant, vs. Joshua W. Miles, collector of internal revenue of the United States for the district of Maryland, and Richard S. Dodson, federal prohibition director for the State of Maryland. Filed July 26, 1921. File No. 28,383.